

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LIVIA M. SCOTTO,

Plaintiffs,

v.

JORDAN FOSTER, *et al.*,\*

Defendants.

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Civil Action No. **3:18-CV-2198-L**

**ORDER**

On September 12, 2018, United States Magistrate Judge Renée Harris Toliver entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court dismiss with prejudice this action under 28 U.S.C. § 1915(e)(2)(B) as frivolous and failure to state a claim upon which relief can be granted. The magistrate judge further recommends that Plaintiff, who is a serial litigator, be barred from filing any future actions *in forma pauperis* without first obtaining permission of the court. No objections to the Report were filed.

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses with prejudice** this action under 28 U.S.C. § 1915(e)(2)(B) as frivolous and failure to state a claim upon which relief can be granted.

*Further, Plaintiff is, hereby, **prohibited** from filing, removing, or transferring any in forma pauperis civil action in or to the Northern District of Texas without first seeking and obtaining leave of court. Failure to comply with this order will result in the sua sponte administrative closure of any*

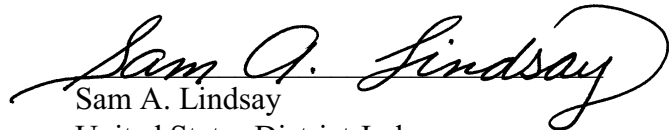
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\* The court’s normal practice is to list all parties in any order and judgment of dismissal; however, Plaintiff’s Complaint names 28 Defendants, which makes listing them all impracticable.

*case filed, removed, transferred by Plaintiff in violation of this order and the imposition of monetary sanctions.*

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 7th day of November, 2018.

  
Sam A. Lindsay  
United States District Judge